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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,225	07/10/2003	Hiroaki Momose	Q76505	2249
72875 7590 09/17/2008 SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				
EXAMINER MCLEAN, NEIL R				
ART UNIT 2625		PAPER NUMBER		
NOTIFICATION DATE 09/17/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com  
kglyndman@sughrue.com  
USPatDocketing@sughrue.com

### Office Action Summary

**Application No.**

10/616,225

**Applicant(s)**

MOMOSE ET AL.

**Examiner**

Neil R. McLean

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5-9,11,12 and 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4, 10, and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1-17 are pending in this application.  
Claims 2, 3, 5-9, 11, 12, and 14 have been withdrawn.  
Claims 1, 4, 10 and 13 are currently under consideration.

### ***Response to Arguments***

2. Applicant's arguments, see Page 3, lines 3-17, filed 6/19/2008, with respect to the rejection(s) of claim(s) 1, 4, 10 and 13 under Gilman have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Burke (US 2002/0167534).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Burke (US 2002/0167534).

Regarding Claim 1:

Burke discloses an image regulation apparatus that regulates an image, said image regulation apparatus comprising:

a transparency specification module (e.g., Selection bar 74 is moved up and down resulting in a change of the Percentage Opacity Adjustment 52 in Figure 3; [0047]) that specifies a degree of transparency (In preferred embodiments, user adjustments include width, percentage opacity, position, and color adjustments; [0024]);

a transparent range specification module (e.g., overlay generator 100) that specifies an arbitrary range of an image as a transparent range (the present invention uses an overlay generator that interacts with the computer's video memory, so that certain selected portions of the display are held in a generally normal, clear, and legible manner, while other portions of the display are made more opaque. By delivering such a contrast, the text or display area of interest is highlighted so as to direct the user's attention to it. The overlay generator takes information regarding the screen display, such as the location of windows and the size of the display, and biases those portions of the window that should be made more opaque. The degree of opacity can be adjusted, as can the disposition and attitude of the clear or highlighted portion of the screen as described in [0022]); and

a transparency setting module that, in response to specification of the transparent range, sets a new degree of transparency for an image in the transparent range, based on a current setting of transparency for the image in the transparent range and the degree of transparency specified by said transparency specification module (The overlay generator provides the biasing necessary to establish the frame on the computer screen as a whole or for

separate windows in a graphics user interface (GUI). The parameters of the framing system may be subject to user adjustment by a variety of controls; [0023] FIGS. 6-8 show basic logical configurations with respect to the overlay generator 100. In FIG. 6, the overlay generator 100 generates a bias that is then incorporated by the video memory prior to transmission of the computer display 12. In FIG. 7, the biasing occurs after the video memory transmits its video signal. In FIG. 8, the overlay generator 100 operates in conjunction with the video memory in order to provide a biased framing signal to the computer display 12; [0054]).

Regarding Claim 4:

Burke discloses the image regulation apparatus in accordance with claim 1, wherein said transparency setting module comprises:

a first transparency setting sub-module that selectively sets a lower degree of transparency between the specified degree of transparency and the current setting of transparency, as the new degree of transparency for the image in the transparent range (For example, in FIG. 3, the width adjustment 50 is set for a wider framed area 42 in FIG. 3 and a narrower framed area 42 in FIG. 4. The opacity or percentage opacity 52 is greater in FIG. 4 than in FIG. 3, and the position of the selection bar 74 for the percentage opacity adjustment 52 is correspondingly positioned for less opacity in FIG. 3 and greater opacity in FIG. 4); and

a second transparency setting sub-module that selectively sets a higher degree of transparency between the specified degree of transparency and the current setting of transparency, as the new degree of transparency for the image in the transparent range (e.g., Selection bar 74 is moved up and down resulting in a change of the Percentage Opacity Adjustment 52 in Figure 3; [0047]), said image regulation apparatus further comprising:

a selection module that selectively activates either of said first transparency setting sub-module and said second transparency setting sub-module (Further, software control could also enable the swapping of the clear 42 and opaque 40 portions of the screen. One interface device

that could enable this transformation is a small icon or other indicator in the control bar 46. Upon clicking upon this icon, the opaque 40 and clear 42 portions of the screen 20 would transpose with the opaque portion becoming clear and the clear portion becoming opaque. The formerly clear portion 42 would then become opaque and surrounded on either side by opaque portions 40 that had become clear. The activate/deactivate toggle button 30 might provide a submenu to enable this feature as described in [0049]).

Regarding Claim 10:

Claim 10 a method claim, is rejected for the same reason as Claim 1.

Regarding Claim 13:

Claim 13 a method claim, is rejected for the same reason as Claim 4.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weldy (US 7,085,007) discloses a method of processing digital color images, and more particularly to a method of adjusting the color reproduction of a digital color image.

***Examiner Notes***

6. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified

citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/

Examiner, Art Unit 2625

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625